

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ELAINE L. CHAO, Secretary of Labor,
United States Department of Labor,

Petitioner,

v.

ORDER
05-MC-16S

SALLY SNOW d/b/a WOLF'S RUN,

Respondent.

1. This action is brought by Elaine L. Chao, Secretary of Labor, United States Department of Labor ("the Secretary"), to compel Respondent Sally Snow d/b/a/ Wolf's Run to comply with a subpoena duces tecum issued by the United States Department of Labor's Wage and Hour Division in furtherance of an investigation conducted pursuant to the Fair Labor Standards Act. 29 U.S.C. § 201, *et seq.*

2. The Secretary commenced this action on March 30, 2005, by filing a petition to enforce the administrative duces tecum, a memorandum of law and a declaration setting forth the details of Respondent's non-compliance. Based on the Secretary's representations, this Court issued an Order to Show Cause returnable before the undersigned on May 25, 2005.

3. On May 23, 2005, counsel for the Secretary advised this Court that Respondent has agreed to comply with the administrative subpoena duces tecum, obviating the need for judicial intervention at this juncture.

IT HEREBY IS ORDERED that Respondent's appearance on the Order to Show Cause returnable before this Court on May 25, 2005, is hereby adjourned.

FURTHER, that in the event that Respondent does not comply with the administrative duces tecum, the Secretary shall file an affidavit setting forth the details of Respondent's non-compliance by Friday, July 15, 2005.

FURTHER, that if the Secretary does not file an affidavit by July 15, 2005, the Clerk of the Court is directed to take the necessary steps to close this case.

FURTHER, that a copy of this Order be served upon Respondent personally by a duly authorized Officer of the Secretary of Labor on or before June 3, 2005.

SO ORDERED.

Dated: May 25, 2005
Buffalo, New York

/s/William M. Skretny
WILLIAM M. SKRETNY
United States District Judge